

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHRISTOPHER SCHAFFERS,)	
)	
Plaintiff,)	
)	No. 2:23-02797-TLP-tmp
v.)	
)	JURY DEMAND
METHODIST LEBONHEUR, et al.,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

In his Report and Recommendation (“R&R”), Chief Magistrate Judge Tu M. Pham (“Judge Pham”) suggests that this Court dismiss Plaintiff’s complaint because it fails to assert a plausible claim for relief. (ECF No. 10.) For the reasons below, this Court agrees with Judge Pham’s reasoning and analysis. The Court therefore **ADOPTS** the R&R.

BACKGROUND AND THE R&R

In December 2023, Plaintiff sued Defendants pro se. (ECF No. 1.) Under Administrative Order No. 2013-05, the Court referred the case to Magistrate Judge Pham for management of all pretrial matters. And because Plaintiff is proceeding in forma pauperis, the magistrate court also screens the case for viability under 28 U.S.C. § 1915(e)(2).

Having reviewed the record here, this Court agrees with Judge Pham’s conclusion and his reasoning. The Court now turns to the legal standard for addressing an R&R.

LEGAL STANDARD

A magistrate judge may submit to a district court judge proposed findings of fact and recommendations for deciding pretrial matters, including the involuntary dismissal of an

action. 28 U.S.C. § 636(b)(1)(A)–(B). And “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1).

If the parties do not object, then a district court reviews a R&R for clear error. Fed. R. Civ. P. 72(b) advisory committee notes. And the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Judge Pham entered his R&R on February 1, 2024, and neither party objected. And the time to do so has now passed. The Court therefore reviews the R&R for clear error.

DISPOSITION

Having reviewed the record and finding no clear error, the Court agrees with Judge Pham’s R&R. To bring claims under Title VII, the complaint must assert facts suggesting a plausible reason Plaintiff could recover. *Keys v. Humana, Inc.*, 684 F. 3d 605, 610 (6th Cir. 2012) (“[A]” plaintiff need only allege sufficient factual content from which a court, informed by its judicial experience and common sense, could draw the reasonable inference that an employer engaged in unlawful discrimination under Title VII.”) Judge Pham correctly noted that Plaintiff has made no allegation that the acts of Defendants were based on his race, color, or gender. What is more, Plaintiff’s allegations against the individual defendants do not show that they are employers. As a result, Judge Pham concludes that the Court should dismiss for failing to state a claim. This Court agrees with his reasoning.

CONCLUSION

The Court has reviewed Judge Pham's R&R for clear error and finds none. And so, the Court **ADOPTS** the R&R and **DISMISSES** the complaint.

SO ORDERED, this 18th day of September, 2024.

s/Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE